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CURRENT AFFAIRS

Date: 22 March 2024

PROFITS AND POVERTY: THE ECONOMICS OF FORCED LABOUR

THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS OF "PROFITS AND POVERTY: THE ECONOMICS OF FORCED LABOUR". THIS TOPIC IS RELEVANT IN THE "ECONOMY" SECTION OF THE UPSC CSE EXAM.

WHY IN THE NEWS?

A recent report titled 'Profits and poverty: The economics of forced labour', published by the International Labour Organization (ILO), reveals that forced labour yields illicit profits totalling USD 36 billion annually.

ABOUT FORCED LABOUR OR BONDED LABOUR

- Forced labour, also known as **involuntary servitude** or **bonded labour**, is a form of exploitation where individuals are coerced to work against their will, often under threat of violence or other forms of punishment.
- This egregious **violation of human rights** persists in various forms across the globe, affecting millions of people, including men, women, and children.
- One of the most concerning aspects of **forced labour** is its **prevalence in multiple industries, including agriculture, manufacturing, construction, domestic work, and the sex trade.**
- Victims of forced labour may be trafficked across borders or exploited within their own countries, trapped in situations of debt bondage, coercion, or outright slavery.

IMPORTANT FINDINGS OF THE REPORT

THE ALARMING RISE OF FORCED LABOUR PROFITS

- Forced labour is a horrific global injustice, generating a **staggering \$36 billion in illegal profits annually.** This represents a **37% increase since 2014**, highlighting a growing problem with devastating human consequences.
- The surge in **profits is fueled by two factors:** a significant **increase** in the number of **victims** being forced into labour and a **rise in** the level of **exploitation** each victim endures.

GEOGRAPHIC DISTRIBUTION OF ILLEGAL PROFITS

The distribution of these illegal profits is uneven across regions. **Europe and Central Asia have the highest total, with a shocking \$84 billion**, followed by Asia and the Pacific, the Americas, Africa, and the Arab States.

PROFITS PER VICTIM

The estimated profits per victim are equally concerning, with **criminals making nearly \$10,000 per person**. This number has risen significantly over the past decade. Perhaps most disturbing is that forced commercial **sexual exploitation accounts for the vast majority (73%) of illegal profits** despite representing only 27% of total forced labour victims.

INDUSTRIES WHERE FORCED LABOUR THRIVES

Beyond sexual exploitation, forced labour permeates various sectors of the global economy. Here's a breakdown of some of the most impacted industries:

- **Industry:** This includes mining, manufacturing, construction, and utilities. These sectors generate an estimated \$35 billion in illegal profits through forced labour.
- **Services:** This broad sector encompasses activities like wholesale trade, hospitality, and transportation. Forced labour in these services is estimated to generate \$20.8 billion in illegal profits.
- **Agriculture:** This sector includes forestry, farming, and fishing. The estimated illegal profits from forced labour in agriculture are around \$5 billion.
- **Domestic Work:** This involves work performed in private households and generates an estimated \$2.6 billion in illegal profits.

A GROWING NUMBER OF VICTIMS

The number of people trapped in forced labour is also on the rise. There were an estimated **27.6 million people** in forced labour on any given day in 2021, **representing a worrying 2.7 million increase since 2016**. This paints a grim picture of the expanding reach of forced labour and the urgent need for global action to eradicate it.

RECOMMENDATIONS GIVEN BY THE REPORT

- **Dismantling Forced labour:** The report exposes the brutal reality of forced labour, highlighting its devastating impact on human dignity and its role in perpetuating poverty. In response to this injustice, the report calls for a united international effort to eradicate forced labour.
- **Combating Illegal Profits:** A central recommendation is to curb the flow of illegal profits. This requires significant investment in enforcement measures to hold perpetrators accountable and disrupt these financial lifelines.
- **Strengthening Legal Frameworks:** The report emphasises the need to bolster legal frameworks. This includes:
 1. Strengthening legislation to combat forced labour.
 2. Training law enforcement officials to identify and address forced labour cases.
 3. Expanding labour inspections to focus on high-risk sectors.

4. Enhancing coordination between labour and criminal justice systems.
5. Beyond Enforcement: A Holistic Approach
 - **Promoting Worker Rights:** The report identifies fair recruitment practices as crucial in preventing forced labour. Abuses during recruitment often pave the way for exploitation. It also emphasises the importance of freedom of association and collective bargaining. When workers have a voice and can organise, they are better equipped to resist forced labour practices.

MAINS PRACTISE QUESTIONS

- Q1. What constitutional provisions and legal safeguards exist in India to protect individuals from forced labour and ensure their right to fair and humane working conditions?
- Q2. To what extent do socio-economic factors, such as poverty, caste-based discrimination, and lack of access to education, contribute to the prevalence of forced labour in India, and how does this intersect with constitutional principles of equality and social justice?

Himanshu Mishra

ETHICAL IMPLICATIONS OF JUDGES ACCEPTING OFFICIAL POSITION AFTER RETIREMENT

SOURCE - THE HINDU AND PIB.

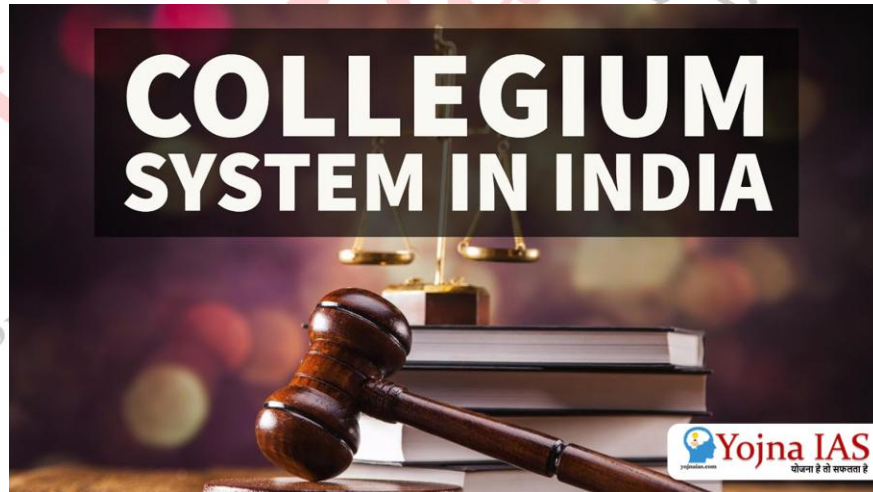
GENERAL STUDIES - INDIAN POLITY AND GOVERNANCE, ARTICLE 217 OF THE INDIAN CONSTITUTION, JUDICIAL PROPRIETY, JUDICIAL IMPARTIALITY AND INTEGRITY OF THE JUDICIARY, COLLEGIUM SYSTEM, EVOLUTION OF THE COLLEGIUM SYSTEM AND ITS CRITICISM, OFFICIAL RESIGNATION OF THE CHIEF JUSTICE OF INDIA (CJI) ETHICAL IMPLICATIONS OF ACCEPTING OFFICE.

WHY IN THE NEWS ?



- Recently, after the announcement of the dates of 2024 Lok Sabha general elections in India, former Calcutta High Court judge Abhijit Gangopadhyay has resigned from his post and has joined a major national political party of India.
- After former Kolkata High Court judge Abhijit Gangopadhyay joined a major political party in India soon after resigning from his post, yet again such steps have been taken by a judge of the High Court and Supreme Court in India. Discussion has started again on the appropriateness and importance of lifting.
- There was talk in India after President of India Ramnath Kovind nominated Chief Justice Ranjan Gogoi of the division bench of the Supreme Court, which gave the verdict in the case of construction of Ram temple in Ayodhya, as a member of the Rajya Sabha after his retirement. After this, are the moral implications of accepting any kind of official position by the judges of the Supreme Court of India or the judges of the High Courts, right or wrong?
- In 1967, former Chief Justice of India (CJI) Koka Subba Rao resigned three months before his retirement to contest the presidential elections as an opposition candidate.
- Justice Baharul Islam of the Supreme Court of India tendering his resignation to contest the Lok Sabha elections in 1983, six weeks before his retirement, also brought into focus the ethical implications of judges accepting official positions after retirement.

ETHICAL CONCERNS RELATED TO A JUDGE ACCEPTING ANY KIND OF OFFICIAL POSITION AFTER HIS RESIGNATION FOR POLITICS IN INDIA :



- The concerns arising from the resignation of a judge from the judiciary to join active politics in India have some significant ethical implications which affect the perception of judicial propriety and judicial impartiality and integrity of the judiciary in India. **Which are as follows –**

JUDICIAL INDEPENDENCE OF THE JUDICIARY IN INDIA :

- Law in India or Judicial independence is extremely important to ensure the rule of law and democracy.
- In India, a judge joining a political party soon after retirement raises questions about the independence of the judicial decisions delivered by him while holding the office of a judge and

raises concerns regarding the influence of political views on the functioning of the judiciary. Does.

- In a democratic country like India, it is extremely important for judges to remain free from interference or influence from any outside party, including political institutions.

JUDICIAL IMPARTIALITY TOWARDS JUSTICE OF THE JUDICIARY IN INDIA :

- Any judge in India is expected to be neutral in ensuring justice and to give his decision only on the basis of facts and law without being influenced by his personal biases or any kind of external pressures and he should Ensure fairness.
- Any judge in India being involved in any kind of controversies after joining any political party has been questioned over his impartiality while hearing the cases involving political matters by the decisions of the judges currently holding the post of judge. Keeps rising.
- Any former judge holding any kind of official position reduces the confidence of the people of India in the ability of the judiciary to deliver justice impartially and gives rise to many types of doubts.

TO ENSURE THE CONFIDENCE AND TRUST OF THE INDIAN PUBLIC TOWARDS THE JUDICIARY :

- Due to the democratic form of governance in India, the Indian judiciary depends on the trust and confidence of the Indian public towards the judiciary to fulfill its role in the Indian society.
- Involvement of any judge in India in accepting any official position undermines the perception of judicial integrity and impartiality of the Indian Judiciary which greatly affects the public confidence in the entire judicial system in India. Is.
- Resignation of judges from the judiciary in India for active participation in politics may create a situation of doubt among the public about the independence and integrity of the Indian judiciary.

SITUATION OF CONFLICT OF MUTUAL INTERESTS :

- Supreme Court or High Courts in India Judges or any judge are expected to avoid conflicts of interest and maintain the integrity of the judicial process.
- The involvement of judges in India in political activities, particularly their controversial statements and judgments while serving on the Court, has raised concerns regarding their personal conflicts of interest.

ISSUE OF APPOINTMENTS TO OFFICIAL POSTS AFTER RETIREMENT FROM THE POST OF JUDGE :

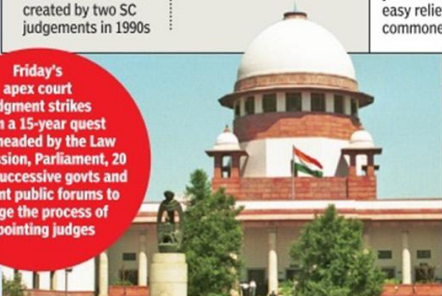
WHAT YOU NEED TO KNOW TODAY
Oct 16, 2015

- Supreme Court on Friday quashed two acts. It declared **unconstitutional a law to replace the collegium system** in higher judiciary
- It also **quashed the National Judicial Appointments Commission (NJAC) Act**, that laid down how the NJAC would function
- Verdict delivered by **5-judge Constitution bench** comprising justices J S Khehar, J Chelameswar, MB Lokur, Kurian Joseph and AK Goel
- It also rejected Centre's plea to refer matter to a larger bench
- Bench said it was willing to take suggestions to **improve existing system**; posted hearing for Nov 3

WHAT THE TWO BODIES ARE	CRITICISMS
<p>COLLEGIUM SYSTEM CJI and four senior-most SC judges recommend appointments and transfers of judges. In effect since 1993, this system referred to as 'judges-selecting-judges', is not in the Constitution but was created by two SC judgements in 1990s</p> <p>NJAC Body to replace Collegium system of appointing judges. To consist of 6 people</p> <p>1) CJI, 2) two senior-most SC judges, 3) law minister and 4) 2 'eminent persons'. Eminent persons nominated for three-year term by Chief Justice, PM & Leader of Opposition (LS)</p>	<p>OF THE COLLEGIUM SYSTEM</p> <ul style="list-style-type: none"> Centre said the system created an "imperium in imperio" (empire within an empire) within Supreme Court It was criticised on grounds that it created a "give-and-take" culture It was said that politicians/ actors would get easy relief from courts while commoners would struggle
<p>OF THE NJAC</p> <ul style="list-style-type: none"> Court on Friday held executive involvement in appointment of judges impinges on independence of judiciary It violates principle of separation of powers between the executive and the judiciary, that is a basic feature of the Constitution 	



योजना हे तो सफलता हे



Friday's apex court judgment strikes down a 15-year quest spearheaded by the Law Commission, Parliament, 20 states, successive govts and different public forums to change the process of appointing judges

HOW THE NJAC CAME ABOUT

<p>2002 Justice Venkatchaliah Committee set up by NDA-1 in its report for the first time suggested a National Judicial Commission for the appointment of judges</p> <p>Aug 2014 Govt passes NJAC</p>	<p>Act through a constitutional amendment</p> <p>Dec 31, 2014 Act gets Pranab Mukherjee's assent</p> <p>April 13, 2015 The NJAC Act is notified</p> <p>SC Advocates on Record</p>	<p>Association and others filed batch of petitions in Supreme Court challenging NJAC, claiming NJAC infringed on judiciary's independence</p> <p>Oct 16 Apex court scraps NJAC Act. Back to collegium system</p>
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SOME SHARP TAKES EITHER SIDE

April 30, 2015

“How does an eminent person determine the ability and integrity of an advocate practising in J&K or TN and his suitability for appointment as a judge? Tell us some names whom the government considers eminent” —sc

“Take for example M S Swaminathan. Why can't he be chosen as an eminent person? Government wants every section of society to have a say” — A-G ROHATGI

June 11, 2015

“The collegium did not follow the principle of meritocracy in appointing judges and hence, many undeserving persons got appointed as judges” — A-G ROHATGI

“Mistakes will be there, whether this system or that system... Question is how serious are they” —sc

- The last few years, some retired judges had accepted government posts after retirement in India. This practice of retired judges assuming official positions after retirement completely blurs and doubts the concept of clear demarcation between the judiciary and the executive of India.

POST-RETIREMENT TASKS FOR JUDGES IN INDIA :

- The Indian Constitution does not explicitly prohibit judges from taking up post-retirement assignments, but to minimize potential conflicts of interest between them. **'Cooling-off period applies'** Suggestions have been given to do so.
- Regarding the post-retirement cooling-off period for judges in India, former CJI of the Supreme Court of India, R.M. Lodha had recommended a cooling-off period of at least 2 years.
- 'Cooling-off period'** concept of any kind in India Officers retiring from sensitive posts are generally debarred from accepting any other appointment for two years.
- Someone high and sensitive in India In case of holding posts, this cooling-off period is based on breaking the connection between the previous appointment and the new appointment through a sufficient period of time.

INTERNATIONAL SYSTEMS OF REAPPOINTMENT OF JUDGES TO OFFICIAL POSTS OUTSIDE INDIA :

- Outside India, judges of the Supreme Court in the United States never retire in their lifetime but remain in office for life to prevent conflict of interest between the judiciary and the executive.

- In the United Kingdom, there is no law preventing judges from taking any type of jobs after retirement, but no judge has yet done so, which would suggest a different view on the issue of their post-retirement roles. Explains the concept of.

CONCEPT OF RESTATEMENT OF VALUES OF JUDICIAL LIFE :

EVOLVING SYSTEM	
Pre-1993 Law minister selected judges in 'consultation' with judiciary	been associated with that particular HC in the past. SC appointments cleared by 5-member collegium including CJI and 4 other seniormost judges
Post-1993 Judiciary assumed 'primacy' by creating collegiums in Supreme Court and high courts. HC judge is appointed after a collegium of judges of that court suggests his/her name, which then has to be cleared by a three-member SC collegium. The 3 judges include the CJI and at least one SC judge who has	2014 Proposed judicial appointments commission seeks to make selection process more transparent. To have 6 members, including law minister, CJI, 2 SC judges and 2 'eminent persons' . At least 5 members will have to agree on each judge's appointment

- The Supreme Court of India in the year 1997 outlined the ethical standards and principles for judges. '**Concept of Restatement of Values of Judicial Life**' Was adopted. **Following are the main provisions of the 'Restatement of Values Concept of Judicial Life':-**
- Judges in India must be neutral and impartial: not only must justice be done, but justice must also be seen to be done. The conduct of judges should also reaffirm the faith and trust of the people of India in the impartiality of the judiciary.
- Judges in India should also avoid establishing close relations with individual members of the Bar Council.
- In India, if any member of a judge's family is a lawyer by profession, that judge should refrain from hearing cases related to his family member and also should not participate in public debates on political matters.
- Judges in India should not seek any means of financial gain and should not speculate in shares or engage in any kind of trade or business.
- Judges in India must always be conscious of the fact that their lives and their judicial decisions are always under public scrutiny.
- Therefore, the actions of judges in India should not benefit even the high position they hold.

SOLUTION TO THE PROBLEM :

The following constitutional and judicial reforms can be made as a solution to the problem of judges accepting official position after retirement -

IMPLEMENTATION OF THE RECOMMENDATIONS OF THE 14TH LAW COMMISSION:

- The recommendations of the 14th Law Commission Report, 1958 have suggested a solution to this type of problem with judges in the Indian Judiciary which lays emphasis on developing such a system.

- The recommendations of the 14th Law Commission Report, 1958 ensure providing financial security to the judges without compromising the independence of the Indian judiciary in any way.

TO INCREASE TRANSPARENCY IN THE JUDICIARY OF INDIA :

- There should be greater transparency in the process of appointing retired judges to official posts after retirement in India .
- The selection criteria for appointing judges to post-retirement official positions in India should be strictly transparent, ensuring open competition throughout the appointment process, as well as public disclosure of the reasons behind each appointment.

TO ENSURE PROMOTION OF HIGH JUDICIAL ETHICS AND HIGH STANDARDS IN THE JUDICIARIES OF INDIA :

- Strengthening ethical guidelines and standards for judges during their tenure and after retirement can help maintain the integrity and impartiality of the judiciary in India.
- Judges should be encouraged to give priority to public confidence in the judiciary over personal interests.

IT SHOULD BE MANDATORY TO IMPOSE COOLING-OFF PERIOD IN INDIA :

- Based on the recommendations suggested by former Chief Justice of the Supreme Court of India, R.M. Lodha, there should be a mandatory cooling-off period between the retirement of a judge and his eligibility for any post-retirement assignment.
- Having this mandatory cooling-off period in India will help ensure impartiality while reducing potential conflicts of interest of judges or other high officials. This will promote fairness and transparency in the high level judiciary or even the high level executive in India.

CONCLUSION :

WHAT'S COLLEGIUM SYSTEM

- Collegium system based on Three Judges Cases
- Under it, appointment of judges are made by Chief Justice of India and four most senior Supreme Court judges.
- Has no constitutional backing.
- Constitution of India's Article 124 says appointments to be made by President in consultation with judges as President may deem necessary.
- Critics say it is a closed-door system which lacks transparency

WHAT'S NJAC

- NJAC was a body created to end the two-decade-old Supreme Court Collegium system of judges appointing judges.
- Was passed by Lok Sabha on August 13, 2014. Was passed by Rajya Sabha a day later.
- Will consist of six people – CJI, two senior-most Supreme Court judges, Law Minister and two 'eminent' persons.
- Critics say judges in NJAC will need support of others to push a name through. They fear judicial independence being compromised.

Yojna IAS
योजना है तो सफलता है

- The resignation of a former judge of the Calcutta High Court and his decision to enter politics raises significant ethical concerns regarding judicial impartiality, independence, conflict of interest, public trust and professional responsibility in the high level judiciary in India. Expresses.
- The main reason for these concerns in India is the far-reaching impact it has on the integrity and credibility of India's judiciary, underscoring the importance of maintaining high ethical standards in justice and administration in India.
- The impartiality and judicial activism of the judiciary in India, even after the division bench of the Supreme Court that delivered the verdict in the case of construction of Ram temple in Ayodhya and the nomination of Chief Justice of India Ranjan Gogoi as a member of the Rajya Sabha by the President of India Ramnath Kovind A question was raised regarding. So in India There is a need to clearly define the ethical implications of judges accepting official positions after retirement and to ensure judicial impartiality, transparency and judicial neutrality, so that the Indian public has confidence in the higher judiciary and does not have to worry about what happens to it. Courage can be generated to protest against any injustice or violation of fundamental rights and Indian citizens can say against any kind of injustice that – **"I will see you in court."**
- **"I will see you in court"** It is not just a slogan or quotation but it is a symbolic belief of the Indian people in the justice that will be done to them and the trust they have in the higher judiciary of India. Therefore, before the judges in India accept the official post after retirement, it should be considered that the Indian public still has faith in the higher judiciary of India. What has to be done is that even today the basic elements of democracy and the faith and trust of the people of India towards the judiciary still exist in India. It is on the shoulders of the higher judiciary and the higher executive to keep this trust and confidence of the Indian people alive. So that democracy remains in India and people have faith in justice. This is the victory of democracy in the true sense.

PRACTICE QUESTIONS FOR PRELIMINARY EXAM :

Q.1. Consider the following statements regarding judges accepting official positions after retirement in India.

1. Regarding the post-retirement cooling-off period for judges in India, former CJI of the Supreme Court of India, R.M. Lodha had recommended a cooling-off period of at least 2 years.
2. The recommendations of the 14th Law Commission Report, 1958 ensure providing financial security to the judges without compromising the independence of the Indian judiciary in any way.

Which of the above statement / statements is/are correct ?

- (A) Only 1
- (B) Only 2
- (C) Neither 1 Nor 2
- (D) All of the above.

Answer-(D)

PRACTICE QUESTIONS FOR MAIN EXAM :

Q.1. Highlighting the various dimensions/aspects of judges accepting official post after retirement in India, discuss whether it is constitutional and appropriate for judges to accept official post after retirement in India or unconstitutional and inappropriate ? present rational thoughts.

Akhilesh kumar shrivastav



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